THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 2562 of 2006

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Dated: 13.03.2006

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Between:

D.Venkataramana Reddy S/o D.Venkataswamy Reddy

R/o Lakshminagar Colony, Rompicherla village and Mandal,

Chittoor District.

… **PETITIONER**

And:

The District Cooperative Officer-cum-
Joint Registrar of Cooperative Society,

Old Janatha Bazar Buildings, Chittoor,

Chittoor District and others.

… **RESPONDENTS**

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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ORDER:

Petitioner, against whom disciplinary proceedings are initiated by the third respondent, filed this writ petition seeking a Writ of Mandamus to declare the action of the respondents in not passing orders on his representation dated 28.12.2005 as arbitrary and illegal.

The third respondent is a Primary Agricultural Cooperative Society, registered under the Andhra Pradesh Cooperative Societies Act, 1964 (for short “the Act”). On the complaint that certain records of the Society were burnt by some unidentified persons, enquiry was initiated under Section 51 of the Act into the affairs of the Society. By proceedings R.C.No.244/2003 C, dated 29.05.2004, the Joint Registrar/District Cooperative Officer, Chittoor has constituted an enquiry team to enquire into the affairs of the Society, and one L. Srihari is appointed as one of the members in the team. In that connection, the petitioner, who was working as a paid secretary, was also placed under suspension. While the enquiry in the disciplinary proceedings initiated against him was being proceeded, he made a representation dated 28.12.2005 stating that the said Srihari, one of the team members in the committee constituted to enquire into the affairs of the Society, cannot act as an enquiring authority in view of the findings given by him earlier in the report of the enquiry initiated under Section 51 of the Act.

In the counter-affidavit filed on behalf of the respondents, it is clearly stated that in the enquiry, which has been conducted as a fact finding enquiry, the petitioner has already subjected to his jurisdiction by giving his own statement as early as on 28.01.2005 and 12.06.2005. It is further stated in the counter-affidavit that on the date of the representation of the petitioner, the enquiry was almost completed.

If the petitioner is having any objection with regard to the conduct of enquiry by any particular officer, he ought to have objected for conducting the enquiry by such officer at the earliest point of time. Having filed his own statements as early as on 28.01.2005 and 12.06.2005, the petitioner cannot seek change of enquiry officer at the time of completion of enquiry. Moreover, the enquiry conducted under Section 51 of the Act is with regard to the affairs of the Society and it has nothing to do with the disciplinary enquiry initiated against the petitioner. In that view of the matter, I do not find any merit in this writ petition so as to change the enquiry officer at this stage.

The writ petition is, therefore, devoid of merits, and the same is accordingly dismissed. There shall be no order as to costs.

13.03.2006

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